GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

PUBLIC SERVANTS-TRANSPORT DEPARTMENT-VIGILANCE WING-Disproportionate Assets and Departmental Case against Sri G.Veer Raju, MVI (Retd.)- Further Action dropped against the individual in both Disproportionate Assets Case and Departmental Action-Orders issued vide G.O.Rt.No.633, T,R&B(VIG.TR.)0Deptt., Dt:20.08.2014 and G.O.Rt.No.21, T,R&B(VIG.TR.) Deptt., Dt:07.01.2015 respectively- Regularization of suspension periods in two spells, i.e., 1)from 08.07.2002 to 25.08.2002 totalling forty nine(49) days in Departmental Case and 2)from 23.04.2006 to 22.07.2008, totalling eight hundred and nineteen(819) days in Disproportionate Assets Case, in respect of Sri G.Veer Raju, MVI(Retd.), in terms of FR 54-A (2) (i) and (ii) and FR 54 (B) (3) & (4) respectively- Orders- Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 534 **Dated: 21.10.2015.**

Read the following:

1)Charge Memo.No.1056/V3/2006, Dated:03.07.2008 of the Transport Commissioner, Andhra Pradesh, Hyderabad.
2)Proceedings of Transport Commissioner R.No.1056/V3/2006, Dated: 14.07.2010.
3)From the Dy. Transport Commissioner, Ranga Reddy District and Inquiry Officer Lr.No.1/DTC/2010, Dated:05.07.2013.
4)Govt.Memo.No.1998/Vig.III/2/2006-7, TR&B(VIG.III)Deptt., Dated: 12.11.2013.
5)From Sri G.Veerraju, Motors Vehicle Inspector(Retd), Representation Dated: 04.02.2014.
6)G.O.Rt.No.633, T,R&B(VIG.TR.) Deptt., Dated:20.08.2014.
7)Charge Memo No.9509/V1/2002, Dated:05.08.2002 of Transport Commissioner, Andhra Pradesh.
8)Proceedings R.No.9509/V4/2002-1, Dt:08.08.2007 of Transport Commissioner, Andhra Pradesh.
9)From Sri G.Veerraju, Motor Vehicles Inspector (Retired), Appeal Petition Dated:05.10.2007
10)Govt.Memo No.6865/Vig.III/2/2005-9 of TR&B Deptt, Dated:10.10.2008.
11)From Sri G.Veerraju, Motor Vehicles Inspector (Retired), Representation, Dated:03.12.2008.
12)Govt.Memo No.6865/Vig.III/2/2005-10 of TR&B Deptt, Dated: 27.02.2009.
13)Orders of Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, Dated:13.10.2009 in O.A.No.9768/2009 filed By Sri G. Veerraju, Motor Vehicles Inspector (Retired).
14)Orders of Hon'ble High Court Of Andhra Pradesh, Dated:14.02.2011 in W.P.No.8943/2010
15)Govt.Memo No.9899/Vig.III/2/2009-3 of TR&B Deptt, Dated: 21.05.2011.
16)From Transport Commissioner, Andhra Pradesh, Hyderabad, Lr.No. 9509/V1/2002, Dt:17.07.2014.
17)G.O.Rt.No.21, T,R&B(VIG.TR.)Deptt., Dt: 07.01.2015.
18)From Transport Commissioner, A.P., Hyderabad, Letter No. 1056/V3/V2/2006, Dated:19.06.2015.

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ORDER:

In the reference first read above, the Tr.Commr., A.P., Hyderabad has initiated departmental action against Sri G.Veerraju, the then Motor Vehicle Inspector, O/o Dy.Tr.Commr., Kakinada(Now Retd.), on allegation of acquisition of disproportionate assets to the known sources of income etc. and the following charges were framed against him.

Charge.I:

That Sri Gaddam Veerraju, MVI, having joined Government Service on 09-01-1984 as AMVI in Transport Department. He got promotion as MVI on 30-11-1989 and while functioning in the above capacities during the period from 09-01-1984 (date of entry into service) to 09-01-2006 (date of searches) committed grave misconduct inasmuch as he is alleged to have acquired assets disproportionate to his known sources by corrupt or dubious means to an extent of Rs.35,98,788-43 Ps.

During the aforesaid check period Sri G.Veerraju acquired assets worth of Rs.33,62,252-73 (as per the details furnished in imputation of charges) as against his total income of Rs.28,17,519/- (details mentioned in imputation) and thereby his excess expenditure of the Accused Officer Rs.2,36,534-70 and as against which Sri

G.Veerraju acquired assets worth of Rs.35,98,788-43 disproportionate to the known sources of his legal income of which he could not satisfactorily account for.

Thus Sri G.Veerraju by his acquisition of assets disproportionate to his known sources of income has exhibited lack of integrity devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) & (3) of APCS (Conduct) Rules, 1964."

Charge.II:

That Sri G.Veerraju, MVI, during the period from 09-01-1984 to 09-01-2006 acquired immovable/movable assets and the deriving of income by him and his family members neither he obtained prior permission from the Competent Authority nor subsequently intimated to the Competent Authority about the acquisition/disposal of immovable properties and about the income derived by him and his family members as mentioned in imputations Charge-II, and he has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rule 9 (1) & (2) of APCS (Conduct) Rules, 1964."

2. The Transport Commissioner, A.P., Hyderabad, vide his Proceedings second read above, has appointed an Enquiry Officer. In the letter third read above, the Enquiry Officer submitted the Enquiry Report and in his Report, in so for as the Charge.I is concerned held that Sri G.Veerraju, in possession of assets disproportionate to the tune of Rs.5,41,805 and Charge.II, as Proved.

3. After examining the matter, in the Memo 4th read above, a copy of the Enquiry Report was communicated to the Charged Officer for his Representation.

4. In his Representation 5th read above, Sri G.Veerraju, Motor Vehicle Inspector(Retd.), has stated that, as per the Instructions in vogue, 20% of allowance has to be given that because of the erroneous conclusions alone, the Enquiry Officer held that he possessed assets disproportionate to the known sources but in fact if the matter is evaluated in a proper perspective, there are no assets disproportionate to his sources and therefore requested to drop further action against him.

5. In respect of Charge.II (acquisitions by his wife and children), he stated that, they are with independent income of his wife that the said acquisitions were not with his consent or intimation or with his earnings; that since his wife or his children did not inform him about those acquisitions he was not in a position to intimate or obtain permissions for the said properties on behalf of his wife or children and how ever his wife intimated the said transactions in her Income Tax returns which is also a notification to Government.

6. Government, after examining the matter, have observed that, as per the Instructions of General Administration Department in Memo No. 623/Spl.C/ 2008-2, Dated:5.10.2008, 20% allowance of the income has to be given to the Charged Officer and therefore, to consider the Representation of the Charged Officer to give 20% allowance of the income and after giving the said allowance, there is excess of income to a tune of Rs.3,49,668 and thus there is no disproportionate assets. In respect of Charge.II, it has been observed that, as per the Judgment in the case of Pitambar lal Goyal, Addl.District & sessions judge Vs. State of Hariyana (1999(1) SLJP & H 188) acquisition of property by wife in her name, where not paid for by the Govt. Servant not attracted by Conduct Rules, thus contention of the Charged Officer that the acquisitions by his wife and children, they are independent income of his wife; that the said acquisitions were not with his consent or intimation or with his earnings and however, his wife intimated the said transactions in her Income Tax Returns which is also a Notification to the Government and therefore to consider his Representation on this charge. Government have decided to consider his Representation on the two charges and to drop further action against him.

7. Accordingly, Government have issued orders in the reference sixth read above, dropping further action against Sri G. Veerraju, Motors Vehicle Inspector(Retd) in the matter.

8. In the reference seventh read above, on the allegation of collection of illegal gratification from the drivers of vehicles while checking at the toll gate point at Kanakadurgamma Varadhi, Vijayawada, Disciplinary Proceedings were initiated against Sri G.Veeraju, Motor Vehicles Inspector (Retired) and Four (4) others.

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9. In the reference eighth read above, the Transport Commissioner, Andhra Pradesh, after following due procedure, inflicted the punishment of Postponement of Three increments With Cumulative Effect against Sri G. Veeraju, Motor Vehicles Inspector (Retired).

10. In the references ninth and eleventh read above, Sri G.Veerraju, Motor Vehicles Inspector(Retired), filed Appeal Petition and Mercy Petition before the Government, against the punishment imposed by the Transport Commissioner, Andhra Pradesh. After careful examination, these were rejected by the Government vide references 10th and 12th read above.

11. Against the above said punishment and Appeal rejection orders issued by the Government, Sri G. Veeraju, Motor Vehicles Inspector (Retired) has filed O.A.No.9768/2009 before the Hon'ble Andhra Pradesh Administrative Tribunal and the Hon'ble APAT in its Orders, Dated:13.10.2009, in the reference 13th read above, while allowing the O.A, has set aside the impugned Orders. The Orders of Andhra Pradesh Administrative Tribunal are extracted below:-

''In these circumstances, no reliance can be placed on the videograph evidence without examining the person who took the videography. In these circumstances, for the reasons mentioned above, the impugned orders dt.10.10.2008 of the first respondent wherein the proceedings of the second respondent dt.8.8.2007 imposing the punishment of stoppage of three increments with cumulative effect, are liable to be set aside. Accordingly, both the impugned orders of the 1st respondent and the 2nd respondent dt.10.10.2008 and 8.8.2007 respectively are set aside. In view of the setting aside of the punishment against the applicant, the applicant is also entitled for the consequential benefits and the respondents are directed to consider the case of the applicant for promotion to the post of RTO, if he is otherwise eligible, suitable and comes within the zone of consideration. With these directions, the O.A. is allowed''.

12. After examining the Orders of Hon'ble A.P.Administrative Tribunal, Hyderabad, the Department had filed, W.P.No.8943/2010 in the Hon'ble High Court Of Andhra Pradesh and the Hon'ble A.P.High Court, in its Orders Dated: 14.02.2011, in the reference 14th read above, has dismissed the W.P. The Orders of Hon'ble High Court of A.P. are extracted below:

"Hence, the Tribunal has considered the matter in proper perspective and there is no Jurisdictional error committed by the Tribunal so as to interfere with the order passed by the Tribunal. The Tribunal has rightly set aside both the impugned orders of the first petitioner and the second petitioner dated: 10.10.2008 and 08.08.2007 respectively and directed the petitioners to consider the case of the first respondent – applicant for promotion to the post of RTO, if he is otherwise eligible, suitable and comes within the Zone of consideration. Hence, the Writ Petition fails and is liable to be dismissed."

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs."

13. In the Memo 15th read above, the T.C was requested to examine and take necessary action on the orders of Hon'ble High Court in W.P.No. 8943/2010. In the Letter 16th read above, the Transport Commissioner, Andhra Pradesh, has informed that, Sri G.Veerraju, Motor Vehicles Inspector was retired from service on 31.12.2010 on attaining the age of superannuation and requested to take necessary action, as Government is competent for Retired Employees.

14. Government, after examining the orders of Hon'ble High Court of Andhra Pradesh, Dated:14.02.2011, in W.P.No.8943/2010, have decided to implement the Orders of Hon'ble High Court, i.e., to set aside the Punishment imposed against Sri G.Veerraju, Motor Vehicles Inspector(Retired), in the reference 8th read above. Accordingly, the Government have issued orders in the reference 17th read above, setting aside the punishment of Postponement of Three Increments With Cumulative Effect, imposed by the Transport Commissioner, A.P., in the reference 8th read above against Sri G.Veerraju, Motor Vehicles Inspector(Retired).

15. The Transport Commissioner, A.P., Hyderabad, in the reference 18th read above, while forwarding the Representation Dated:11.05.2015 of Sri M. Veer Raju, MVI(Retd) has stated that, Sri M.Veer Raju, was suspended in Two Disciplinary cases, 1)08.07.2002 to 25.08.2002 (49 days), (Departmental Case) that in this case, he Reinstated into service on 21.08.2002 and reported to

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duty on 26.08.2002 and 2)23.04.2006 to 22.07.2008(819 days) (ACB Disproportionate Assets case). The Transport Commissioner, A.P., further stated that, the Government is competent to take a decision in respect of Retired Government Employees and therefore, requested to take necessary action on the Representation of Sri M.Veer Raju, MVI(Retd.), on regularisation of his suspension period in two disciplinary cases.

16. Government have examined the entire issue carefully with reference to the A.P.Govt. Fundamental Rules. With reference to the A.P.Administrative Tribunal Orders Dated:13.10.2009 in O.A.No.9768/2009 filed by Sri G.Veer Raju, MVI(Retd.), in the reference 13th read above, Govt. have observed that, "It is evident in the Departmental Action case that the Hon'ble A.P.Administrative Tribunal has set aside the impugned Orders on technical grounds, i.e., the Disciplinary Authority relied upon the video graph evidence; the person who took the video was not produced before the Inquiry Officer, and the video tapes were not made available to the Applicant. Further, the individual was exonerated from the charges in the ACB Case in the G.O. 6th read above". Government have, therefore, decided to regularize the suspension period of Sri G.Veer Raju, MVI(Retd.), in this case, i.e., from 08.07.2002 to 25.08.2002 (49 days) **(Departmental Case)** in terms of **FR 54-A (2) (i) and (ii)**, and with regard to **Disproportionate Assets case**, to regularize the period of his suspension from 23.04.2006 to 22.07.2008 (819 days) in terms of **Rule 54(B) (3) and (4)**.

17. Accordingly, Government hereby order that the suspension period in respect of Sri G.Veer Raju, MVI(Retd.), in this case, i.e., from 08.07.2002 to 25.08.2002 totalling Forty Nine(49) days **(Departmental Case)** shall be regularized in terms of **FR 54-A (2) (i) and (ii)**, and the period of his suspension from 23.04.2006 to 22.07.2008 totalling Eight Hundred And Nineteen((819)days (**Disproportionate Assets case**), shall be regularized, in terms of **Rule 54(B) (3) and (4)**,

18. The Transport Commissioner, A.P., Hyderabad shall take further action in the matter accordingly.

19. This Order issues with the concurrence of Finance(HR.IV-FR) Department vide their U.O.No.16461/681/HR.IV-FR/2015, Dated: 28.09.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Transport Commissioner, A.P., Hyderabad.

Copy to:
1)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
2)The Finance(HR.IV-FR)Department, A.P.Secretariat, Hyderabad.
3)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER